

**STATE OF VERMONT  
GREEN MOUNTAIN CARE BOARD**

In re: Application of Wake Robin Corp. ) GMCB-024-15con  
Renovation of Skilled Nursing Facility )  
and Addition of Six New Rooms )  
\_\_\_\_\_)

**CERTIFICATE OF NEED**

The Green Mountain Care Board issues this certificate of need (CON) pursuant to 18 V.S.A. § 9431 *et seq.* (Health Facility Planning) to Wake Robin Corporation (Wake Robin, or the applicant) for the renovation of the existing 33-bed skilled nursing facility, construction of a 7,048-square foot addition and six additional skilled nursing rooms (the Project). The Board issues this CON based on the Findings of Fact and Conclusions of Law in the Statement of Decision and Order in this docket, and subject to the requirements and conditions set forth below.

**Project Description and Scope**

Wake Robin is a not-for-profit Continuing Care Retirement Community (CCRC) that has operated in Shelburne since 1994. In exchange for a one-time entrance fee and monthly fixed payments thereafter, Wake Robin residents are entitled to a spectrum of services and amenities for the rest of their lives that begins with residence in independent living accommodations. Life in the Wake Robin community is structured so its residents can age in place. As residents need additional care or services, Linden Health Center, a part of the community, offers licensed residential care, memory care, and the Cedar “neighborhood,” a 33-bed skilled nursing facility. On average, residents spend 11.4 years in the Wake Robin community.

The Project is part of a larger undertaking by Wake Robin that includes construction of additional independent living apartments, and the expansion and renovation of the community center and residential care sections of the facility, each of which is not subject to CON review. The cost of the components subject to review — renovation of the existing 33-bed skilled nursing facility and construction of an addition and six additional skilled nursing rooms —is \$8,170,130.

The Project is outlined in greater detail in the Statement of Decision and Order in this docket, incorporated herein and issued today by the Board.

**Conditions**

The Project as proposed, subject to the following conditions, meets the statutory criteria set forth in Section 9437 of Title 18:

1. The applicant shall develop and operate the Project in strict compliance with the Project scope as described in the application, in other materials in the record submitted by the

applicant, and in strict conformance to the Findings of Fact and Conclusions of Law as set forth in the Statement of Decision and Order, and subject to the conditions herein.

2. The Project as described in the application shall be fully implemented within three years of the date of this certificate of need, or the certificate of need shall become invalid and deemed revoked.
3. Noncompliance with any provision of this certificate of need or with applicable ordinances, rules, laws and regulations constitutes a violation of this certificate of need and may be cause for enforcement action pursuant to 18 V.S.A. §§ 9445, 9374(i), and any other applicable law.
4. This certificate of need is not transferable or assignable and is issued only for the premises and entities named in the application.
5. If the applicant contemplates or becomes aware of a potential or actual nonmaterial change, as defined in 18 V.S.A. § 9432(12), or a material change as defined in 18 V.S.A. § 9432(11), to the scope or cost of the Project described in its application and as designated in this certificate of need, the applicant shall file a notice of such change immediately with the Board. The Board shall review the proposed change and advise the applicant whether the proposed change is subject to review.
6. The applicant shall file three (3) implementation reports with the Green Mountain Care Board. The first report shall be filed with the Board six months from the date on which the applicant commences the project; subsequent reports shall be filed at six-month intervals thereafter.

The implementation reports shall include but are not limited to the following:

- a. Information demonstrating that the Project is in conformance with the scope of the Project as described in the application;
  - b. The most recent (indicate date) CMS “Nursing Home Compare” star ratings for: 1) overall rating, 2) overall staff rating, 3) overall RN ratings, and 4) quality measures. Include any surveys conducted by DAIL;
  - c. Verification that no material or nonmaterial changes have occurred or are contemplated.
7. After notice and an opportunity to be heard, the Board may in its discretion make such further orders as it finds necessary or appropriate to accomplish the purposes of this certificate of need and to ensure compliance with its terms and conditions.
  8. All reports, notices, forms, information or submissions of any kind required to be submitted to the Board as a condition of this certificate of need shall be signed by the

applicant's chief executive officer and verified by the chief executive officer, or by his or her designated representative.

9. The conditions and requirements contained in this certificate of need shall remain in effect for the duration of the reporting period defined in paragraph 6, above.

**SO ORDERED.**

Dated: February 15, 2017 at Montpelier, Vermont.

<u>s/ Cornelius Hogan</u>	)	GREEN MOUNTAIN
	)	CARE BOARD OF
<u>s/ Jessica Holmes</u>	)	VERMONT
	)	
<u>s/ Robin Lunge</u>	)	

Filed: February 15, 2017